

### **Remarks/Arguments**

These remarks are in response to the Office Action dated May 13, 2004. This response is accompanied by a Request for a Three-Month Extension of Time and the appropriate fee for the Extension of Time. At the time of the Office Action, claims 1-22 were pending in the application. Claims 1-22 were rejected under 35 U.S.C. §102(b). The rejections are set out in more detail below.

#### **I. Brief Review of Applicants' Invention**

Prior to addressing the Examiner's rejections on the art, a brief review of applicants' invention is appropriate. Applicants' invention concerns a method and a system for detecting defects in a recordable optical storage medium. The method includes the steps of: accessing a segment of multimedia data that has been recorded onto a portion of the recordable storage medium; selectively examining the segment to determine whether the portion contains a defect; and taking corrective measures if a defect is detected. The corrective measures can include modifying a selectively examining step. For example, a control CPU can instruct a pickup assembly to re-read the affected portion a number of times, instruct a servo to decrease the speed of the disc during the re-read step and/or instruct the servo to maintain the speed of the disc substantially constant during the re-read step. (Applicants' specification, page 10, lines 11-19.)

#### **II. Claim Rejections on Art**

Claims 1-22 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,097,683 to Ohara, et al. (hereinafter "Ohara"). Ohara discloses a recording apparatus and a method of recording data onto a recording media. More particularly, the apparatus determines whether the recording media is contained in the case, and selects a recording mode based on this determination.

Amended claims 1 and 12 each recite accessing a segment of multimedia data that has been recorded onto a recordable storage medium, selectively examining the segment to

determine whether the portion contains a defect, and modifying said selectively examining step if a defect is detected. For example, the affected portion can be re-read a number of times, the speed of the disc can be decreased during the re-read step and/or the speed of the disc can be maintained substantially constant during the re-read step. Importantly, Slowing the disc prior to and/or maintaining the speed of the disc substantially constant during each reading step that is being repeated can improve the chances that the errors can be corrected during subsequent examining steps. If such errors are corrected, it is not necessary to re-write the data to another area of the disk.

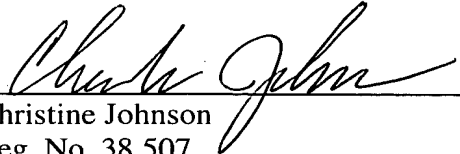
Notably, Ohara does not disclose modifying a selectively examining step. Instead, Ohara discloses that a verifying means directs a recording means to perform recording again onto the same area of the disk or a new area. Col. 11, lines 36-41. Thus, in contrast to the present invention which attempts to re-read recorded data if an error is detected, Ohara responds to an error by attempting to re-record the data. Accordingly, Ohara may unnecessarily use excess disk space when compensating for detected errors. Accordingly, Applicant respectfully submits that Claims 1 and 12 are allowable. The remaining pending claims are believed to be allowable at least by virtue of their dependence upon an allowable base claim.

### III. Conclusion

For the foregoing reasons, this entire application is believed to be in condition for allowance. Consequently, such action is respectfully requested. The Applicant requests that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

No fee is believed due. However, if a fee is due, please charge the additional fee to  
Deposit Account 07-0832.

Respectfully submitted,

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November 1, 2004

CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on:

11-4-04  
Date

Lori Klewin  
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